



September 2, 1965
Vernal, Utah

Mr. Donald C. Norseth
Distribution Engineer
State Engineer's Office
State Capitol
Salt Lake City 14, Utah

Dear Don:

Reference is made to your letter dated August 31, 1965.

In regards to the releases made to Max Rasmussen and Karl Searle, the following summary should clear the matter.

On August 23, 1965, Mr. Rasmussen called and requested that he be delivered 5.0 cfs with which he wished to irrigate pasture lands adjacent to Pot Creek below the Matt Warner Reservoir. I contacted Bob Guy, District Engineer here in Vernal, and received a copy of a warranty deed in which Joe Calder had conveyed right to use up to 138 ac. ft., out of his original 1/7 or 400 ac. ft., as stipulated in the Deed of Easement to Joseph P. Hacking.

With this background for a basis of right, I went to Pot Creek on August 24, 1965. Mr. Zelph Calder had 5.8 cfs out and going on to his property on Lower Pot Creek. I marked the stream immediately below the Rasmussen, Searle diversion and then released another 5.0 cfs on top of Mr. Calder's 5.8 cfs. This added water was diverted out of Pot Creek at an old established diversion, approximately one mile below the Matt Warner dam, but north of the road which runs to Pot Creek below Matt Warner.

Mr. Max Rasmussen informed me he wished to irrigate the pasture lands under the existing ditch which had apparently been constructed by the former Leo Calder. If Mr. Rasmussen had any intentions of using this water anywhere else it was not to my knowledge and was not used at any other place while I was in the area.

On August 29, 1965, at 3:00 p.m., this stream was shut off, leaving Mr. Calder his stream as was. The 29th being Sunday, Mr. Max Rasmussen was unable to contact me and he shut the stream off by turning the gate down himself. This was reported to me Monday, August 30, by Mr. Rasmussen.

Below are listed the daily releases by User.

	<u>Z. Calder</u>		<u>Rasmussen</u>	<u>Searle</u>
Aug. 24	5.8 cfs	11.6 AF	5.0 cfs (on 4:30 p.m.)	3.0 AF
25	5.8 cfs	11.6 AF	5.0 cfs	10.0 AF
26	5.8 cfs	11.6 AF	5.0 cfs	10.0 AF
27	5.8 cfs	11.6 AF	5.0 cfs	10.0 AF
28	5.8 cfs	11.6 AF	4.4 cfs	8.8 AF
29	5.8 cfs	11.6 AF	4.4 cfs (off at 3:00 p.m.)	5.5 AF
<hr/> Total Released during period		69.6		47.3

Mr. Max Rasmussen has requested that he now be delivered 1.0 cfs out of Matt Warner Reservoir through a diversion up stream from Z. Calders' diversion into a pipeline and ditch which crosses the road approximately 300 yds west of the Z. Calder ditch crossing. This is also a ditch which was constructed and used by Leo Calder some years ago. In view of the Easement to Joseph Hacking, what would your advise be on this request. Please advise me and Mr. Max Rasmussen, Vernal, Utah if this delivery is not in accord with the existing rights for use of Matt Warner storage.

I would appreciate a directive as to your thinking on my responsibility in distribution of the water formerly deeded to Joseph Hacking and now deeded to Joe Calder, Max Rasmussen, and Karl Searle.

The work done to date was done at my best judgement of the situation and in accord with what records, deeds and etc. I have at my disposal.

I hope this letter answers your questions concerning the recent deliveries as far as my part in the matter is concerned.

I'll be looking forward to hearing from you on my questions.

Sincerely,



Dave Rasmussen,
Pot Creek Commissioner

DRR:lm

cc: Hubert Lambert, Acting State Engineer
Robert Guy, District Engineer